

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: HANRAHAN, et al. Examiner: Dickinson, Paul W
Serial No.: 10/521,987 Art Unit: 1618
Filed: January 21, 2005
For: ANTIMICROBIAL MELAMINE RESIN AND PRODUCTS MADE
THEREFROM

REQUEST FOR REFUND OF FEES

On 15 APR 2009, the USPTO assessed \$425 in claims fees in the above-captioned application and deducted \$425 from Applicant's deposit account. This deduction brought the account balance below \$1000, triggering a further \$25 service fee charge for under-minimum balance. Applicant requests refund of the \$425 claims fees and \$25 service fee.

In its filing on 24 OCT 2005, Applicant amended the claims, bringing the number of claims to thirty (30) and the number of independent claims to five (5). Applicant further made a valid claim to small entity status, and payment was made for the additional total and extra independent claims at the small entity rates. However, Applicant inadvertently made two errors in the fee calculation:

1. Applicant misunderstood the independent/dependent status of then-added claim 31 and thus under-counted the number of independent claims by one. The fee for additional independent claims (fee code 2201) was underpaid by \$100.
2. Applicant mis-counted the total number of claims, stating 35 when the actual number was 30. The excess claim fee (code 2202) was overpaid by \$125.

Applicant timely paid more than the required amount for its additional claims. (In fact, the total fees due for this filing thus were overpaid by \$25. Applicant does not seek refund of this overpayment.)

Applicant's filing of 09 APR 2009 amended the claims, reducing the total number of claims to seventeen (17) as well as the number of independent claims to two (2). No fees were due relating to the claim amendments, and no payment was made with the filing.

Nonetheless, the USPTO on 15 APR 2009 assessed a \$300 independent claims fee (3 @ \$100) and a \$125 excessive claims fee (5 @ \$25). Applicant speculates that the USPTO is either assessing anew the fees for the claim amendments of 24 OCT 2005 (which were timely paid), or that the USPTO is assessing Applicant the difference between the small entity and large entity rates. Either way, the 15 APR 2009 assessment is in error, and Applicant respectfully requests refund of these amounts.

The improper deduction of \$425 from Applicant's deposit account caused its balance to fall below \$1000, for which a \$25 service charge was assessed. This under-minimum balance was wholly caused through the USPTO's error. Applicant respectfully requests refund of the \$25 service fee.

It is requested that the \$300, \$125 and \$25 refunds be returned to Applicant's Deposit Account No. 502714. The USPTO is encouraged to contact the undersigned if any questions arise.

Respectfully submitted,

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